

Office Action Summary

Application No.

10/558,096

Applicant(s)

ENGEL ET AL.

Examiner

THOMAS H. STEVENS

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 5, 6, 7, 11, 12, 13, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 10, 14, 15, 17, 18, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 10/9/08
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 were examined.

Section I: Non-Final Rejection

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4,5,6,7,11,12,13,16,19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the form" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 2 recites the limitation "the form" in line 4. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 2 recites the limitation "the particular current" in line 14. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 2 recites the limitation "the text message" in line 14. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 5 recites the limitation "the particular technical system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 6 recites the limitation "the status" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 7 recites the limitation "the form" in line 4. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 11 recites the limitation " the basis" in line 5. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 12 recites the limitation "the model" in line 3. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 12 recites the limitation "the basis" in line 5. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 13 recites the limitation "the model" in line 3. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 13 recites the limitation "the required additional model-specific data" in line 4. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 13 recites the limitation "the basis" in line 5 . There is insufficient antecedent basis for this limitation in the claim.
17. Claim 18 recites the limitation "the data contents" in line 3. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 19 recites the limitation "the form" in line 4. There is insufficient antecedent basis for this limitation in the claim.
19. Claim 19 recites the limitation "the initial data packet" in line 5. There is insufficient antecedent basis for this limitation in the claim.
20. Claim 19 recites the limitation "the selection" in line 15. There is insufficient antecedent basis for this limitation in the claim.
21. Claim 19 recites the limitation "the user" in line 16. There is insufficient antecedent basis for this limitation in the claim.
22. Claim 20 recites the limitation "the form" in line 4. There is insufficient antecedent basis for this limitation in the claim.
23. Claim 20 recites the limitation "the selection" in line 16. There is insufficient antecedent basis for this limitation in the claim.
24. Claim 20 recites the limitation "the user" inline 17. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

25. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

26. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Dauner et al (US Patent 6,714,844; hereafter Dauner). Dauner discloses vehicle communications system with display and operator control unit (abstract).

Claim 1. (Currently amended) A man-machine interface (column 3, line 6) for a diagnostic system for diagnosing a technical system with a knowledge base and a diagnostic program (column 2, line 9) that supplies a preliminary diagnostic result

(column 2, line 15, "diagnostic-relevant data") in the form of an initial data packet (integral feature of the Internet, column 2, line 21) comprising: a data converter, which converts the initial data packet into an XML structure and saves it as an XML data file based on a converter configuration, a data completion unit that analyzes the data of the XML data file and reads out additional data by request from the technical system to be diagnosed after setting a manual request and saves it in the XML data file (column 3, lines 4-13) discloses an HTML/XML internet interpreter, thus interpreter converts the HTML/XML to an Internet browser)lines after conversion by means of a completion unit configuration, and a visualization of the XML elements saved in the XML data file of as an inactive user surface.

Section II: Response to Arguments

IDS/Drawings/Abstract

27. Objections are withdrawn.

Claim Objections

28. Claim 19 limitation of "the selection" remains an issue. See rejection as set forth above.
29. Claims 2,7 and 18-20 is rescinded based on the rejection as set forth above.

30. Rejections are withdrawn.

Section III: Allowable Subject Matter

31. Claims 8,9,10, 14,15, 17,18,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure:

US 4395624 discloses a system for and a method of recording information concerning vehicle operation comprising a logic circuit interfacing with a microprocessor whereby accurate velocity information can be recorded to provide a precise record of operation, including acceleration and deceleration information, over a period of time.

US 4817118 discloses a mobile incident logger for monitoring an on-board, automotive, computer and signal levels developed by analog and digital sensors, the logger employing a coverage monitor, which records which memory locations are accessed by the computer; a cycle tag counting unit, which counts bus cycles of the computer; a discriminator, which detects the occurrence of incidents the logger is to record; a trace memory unit, which stores bus states of the computer; a trace memory unit, which stores memory variables of the computer; a discriminator, which detects the occurrence of some of the incidents the logger is to record; and a trace memory unit, which stores the sensor signals.

US 5491631 discloses a memory stores a vehicle identifier code which enables identification of a vehicle carrying the same type of electronic control unit (ECU) correspondingly to an ECU identification code (ECU-ID) and display means for displaying the vehicle identifier code is displayed on the basis of the ECU-ID provided by an ECU, and a predetermined fault diagnostic program corresponding to the vehicle identifier code is selected and initiated in response to the input of a verification signal of the displayed vehicle identifier code. When a plurality of faulty parts of a vehicle are detected, a priority table is referred to and fault codes corresponding to the plurality of faulty parts are displayed with priority.

US 5758300 discloses a wireless communication unit is built in a portable type diagnosing apparatus and an external computer respectively.

US 6026344 discloses a vehicle diagnostic system has a processor unit designed to be coupled to the vehicle to receive signals from the vehicle. The processing unit is connected to a long-term memory that stores instructions to be executed by the processing unit.

US 20010156558 discloses a operator interactive apparatus for monitoring work vehicles is disclosed.

US 6714844 discloses a vehicle communication system with display and operator control unit, and having a data bus and components connected thereto, including at least one display/operator control unit and a computing unit which controls the latter. A graphic user interface, which is based on the HTML/XML page format, is implemented in the at least one display/operator control unit and/or the computing unit.

US 6848657 discloses a method and apparatus for determining a model vehicle layout by moving a vehicle around the track and noting when the vehicle passes track position detection elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

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/Thomas H. Stevens/
Examiner, Art Unit 2121